

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
) V.) Criminal No. 00-132
)
MICHAEL DUFFALO)

MOTION TO AMEND SENTENCING ORDER

AND NOW, the defendant, Michael Duffalo, by his attorney, Jay J. Finkelstein, Assistant Federal Public Defender, and respectfully files this Motion to Amend Sentencing Order. In support thereof counsel states as follows:

1. On December 20, 2004, the Court revoked Mr. Duffalo's supervised release and sentenced Mr. Duffalo to the Bureau of Prisons for a term of 6 months with no further term of supervised release to follow. Mr. Duffalo was not in custody and was allowed to self report upon notification from the Bureau of Prisons.

2. Months passed and Mr. Duffalo was not contacted by the Bureau of Prisons to self report. Periodic checks were made by undersigned counsel to U.S. Probation Officer David Conde to make sure Mr. Duffalo did not inadvertently fail to get notice.

3. Mr. Duffalo was arrested by his state probation officer on an unrelated matter on June 6, 2005 and remains in state

custody serving a sentence.

4. Upon information and belief, Mr. Duffalo has still not been designated by the Bureau of Prisons, nor is there an federal detainer lodged against Mr. Duffalo.

5. Due to the inordinate delay, counsel moves to amend the sentence imposed by this Honorable Court on December 20, 2004, to concurrent time as of June 6, 2005, the date that Mr. Duffalo entered into state custody.

6. United States Probation Officer David Conde consents to the granting of this motion.

7. Assistant United State Attorney Tina O. Miller also consents to the granting of this motion.

WHEREFORE, it is respectfully submitted that the December 20, 2004 Order be amended to order the service of the federal sentence to commence as of June 6, 2005, the date that Mr. Duffalo entered into state custody.

Respectfully submitted,

s\ Jay J. Finkelstein

Jay J. Finkelstein
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